IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4687 of 2005

Between:

Smt. Eluru Subbamma W/o. Eluru Malleshwara Reddy
Presently staying at P.B. No.562, Sabah, Al-Salem, Kuwait,
Rep. by her General Power of Attorney
Holder Smt. Eluru Vijaya W/o. Shanker Reddy, aged 30 yrs,
Occ; Business, R/o. Chintha Kammadinne Village and
Mandal,

..... PETITIONER

AND

1 The Superintending Engineer, R & B Department, Kadapa.
2 The Executive Engineer, R & B Department, Kadapa.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, Order or Direction(s) essentially in the nature of Writ of Mandamus declaring the action of the Respondents herein in seeking to take over the possession of the land in D.No. 112 of Utukur Gram Panchayat, Chinthakammadinne Mandal, Kadapa District as illegal, arbitrary, without jurisdiction and violative of Articles 14, 21 and 300(A) of the Constitution of India. And Pass any such other Order or Orders as this Hon'ble High Court may deem fit, proper and necessary in the circumstances of the case.

Counsel for the Petitioner: MR.KARNAMRAMESH

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court made the following:

THE HON'BLE MR JUSTICE K.C. BHANU

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ORDER:

This writ petition has been filed to declare the action of the respondents in seeking to take over the possession of the land in D.No.112 of Utukur Gram Panchayat, Chinthakammadinne Mandal, Kadapa District, as illegal, arbitrary and violative of Article 14, 21 and 300 (A) of the Constitution of India.

2. The only grievance of the petitioner is that the respondents without following the due process of law, trying to take over the possession of the land in question.

3. The learned Government Pleader for Roads and Buildings submits that the respondents by following the due process of law taking steps to take over the possession of the subject land. Therefore, a liberty may be given to the respondents to proceed in accordance with law as contemplated under the Land Acquisition Act.

4. Considering the submission made by the learned Government Pleader for Roads and Buildings, without entering into the merits of the case, I feel it necessary to dispose of the writ petition with a direction.

5. Accordingly, the writ petition is disposed of directing the respondents to take over the possession of the subject land in accordance with law particularly by following the provisions envisaged in the Land Acquisition Act. No costs.

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March 10, 2005

Note:

Issue C.C. by 11-03-2005.

B/o.

KVR

To

1 The Superintending Engineer, R & B Department, Kadapa.
2 The Executive Engineer, R & B Department, Kadapa.

3 Two C.Cs to GP for Roads and Buildings, AP High Court

Buildings, High Court of AP, Hyderabad (o.u.t.)

4 2 C.D copies.